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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 2nd May, 2003:—

BILL NO. 4 OF 2003

A Bill to provide for ban on religious conversion.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Ban on Religious Conversion Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short title,
extent and
commence-
ment.

2. No person or institution shall encourage or cause to encourage any person or group of persons to convert religion by way of inducement in any form or force or through any other means.

Ban on
religious
conversion.

Explanation.— For the purposes of this section, 'inducement' means and includes giving or offering or promise to give cash, imparting free education, employment, shelter, food and clothes free of cost.

3. This Act shall not apply to a person who voluntarily converts to another religion or reconverts to his original religion.

Act not to
apply in case
of voluntary
conversion.

Punishment.

4. (1) If any person violates the provisions of this Act, he shall be punished with rigorous imprisonment of a term which shall be not less than ten years and a fine which shall be not less than rupees one lakh.

(2) If any institution or organization violates the provisions of this Act, the person in charge of the affairs of the institution or organization, as the case may be, shall be subject to punishment as provided under sub-section (1) and the registration of the institution or organization under any law for the time being in force shall be cancelled forthwith.

Prohibition on accepting donation or contribution.

5. Notwithstanding anything contained in any other law for the time being in force, no person or organization violating the provisions of this Act shall be allowed to accept any donation or contribution of any kind from within the country or abroad.

Forfeiture of bank account and properties.

6. The bank account of any person or institution violating the provisions of this Act shall be frozen and all properties, whether movable or immovable, of such person or institution shall be forfeited.

Special Judge to try offence.

7. An offence under this Act shall be tried by a special Judge designated for this purpose.

Act to be in addition and not in derogation of any other law.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Religious conversion is the order of the day. Inducement of all types is offered and sometimes promise to offer certain things is given. Certain organizations indulge in encouraging conversion through all ways and means and money received from abroad and within the country is put to use for these purposes.

In many parts of the country, it has been witnessed that conversion has been taking place through force. Forced or induced conversion should be stopped. It is, therefore, proposed to prohibit conversion through force or inducement. However, a provision is made for enabling voluntary conversion.

The Bill seeks to achieve the above objective.

CHANDRAKANT KHAIRE.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The delegation of legislative power is of normal character.

BILL NO. 3 OF 2003

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2003.

Substitution for
article 263.

2. For article 263 of the Constitution, the following article shall be substituted,
namely:—

Inter-State
Council.

"263. (1) There shall be established an inter-State Council, charged with the
duty of—

(a) inquiring into and advising upon disputes which may have arisen
between States:

Provided that such advice shall be binding upon the parties, but, however, will not
preclude any of the parties from approaching the Supreme Court for proper relief.

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or

(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject.

(2) The Council shall consist of the Prime Minister, the Union Minister of Home Affairs and the Chief Ministers of the States.

(3) The Prime Minister shall be the Chairman of the Council.

(4) The Council may invite any other member of the Union Council of Ministers and any administrator of the Union-territories to the Council, whenever considered necessary.

(5) The Council shall meet at least thrice in a year and at any time at the request of the Chairman or of a Chief Minister of a State.

(6) The Council shall have a Secretary who shall be appointed by the President under his hand and seal on the advice of the Prime Minister in consultation with the Chief Ministers of the States.

(7) The term of office of the Secretary shall be five years.

(8) The other terms and conditions of the service of the Secretary shall be such as may be laid down by the Council.

(9) The Council shall create an annual budget to which the Central Government and the Governments of the States shall contribute equitably.

(10) The Council shall have the power to define the nature of duties to be performed by it and lay down its own procedure."

STATEMENT OF OBJECTS AND REASONS

The Administrative Reforms Commission, although did not share the view of amending the provisions of the Constitution to ensure more harmonious relations between the Centre and States, did recommend the use of enabling provisions as provided in article 263 of the Constitution to set up an inter-State Council.

In the changed political scenario, marked particularly by the advent of multi-party policy, the need of a forum for mutual exchange of views on issues which concern the States as well as the Centre, is highly imperative.

Though a council has been set up, it does not have adequate powers and functions. Unless more, powers and functions are vested in the Council, it will not have any impact.

Therefore, it is proposed to amend the Constitution with a view to enabling establishment of a comprehensive Council with more powers and functions especially in the changed circumstances for better and harmonious co-ordination between the Union and the States.

Hence this Bill.

CHANDRAKANT KHAIRE.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for an inter-State Council. The Council will have a Secretary, with his Secretariat. There will be no expenditure from the Consolidated Fund of India in the case of the Members of the inter-State Council inasmuch as all of them will be the functionaries of the Central and State Governments and of the Administrations of the Union territories, drawing their salaries and allowances from the respective Governments and the Union territories.

There will, however, be expenditure involved from the Consolidated Fund of India in respect of the office of the Secretary and his Secretariat and for contributions to be made by the Central Government towards the annual budget of the Council. The recurring expenditure on this account may, approximately, be of the order of rupees fifty lakh per annum. There will also be involved a non-recurring expenditure of about rupees one crore at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for laying down by the Council the terms and conditions of the service of the Secretary to the inter-State Council. Provision has also been made empowering the Council to lay down its own procedure. The matters with respect to which the Council will make rules are matters of detail only. The delegation of legislative power, therefore, is of a normal character.

BILL No. 24 OF 2003

A Bill to provide for the scrutiny of the proposals of the Central Government for disinvestment of Public Sector Enterprises by a Committee of Parliament consisting of members of both the Houses of Parliament and for matters connected therewith or incidental thereto.

WHEREAS there is a consistent demand from various political parties and enlightened sections of the society regarding the need to ensure that the proposals of disinvestment of public sector enterprises should be scrutinized by Parliament.

Enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Disinvestment of Public Sector Enterprises (Scrutiny by Parliament) Act, 2003.

Short title,
application
and
commence-
ment.

(2) It shall apply to all public sector enterprises.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Committee" means the Committee on Disinvestment of Public Sector Enterprises constituted under section 4;

(b) "disinvestment" means privatization of public sector enterprise by selling the controlling equity held by the Central Government;

(c) "public sector enterprise" means and includes any public sector undertaking company, corporation or such other body in which the Central Government holds the controlling equity.

3. (1) The Central Government shall not proceed with or implement any proposal of disinvestment of a public sector enterprise after the coming into force of this Act.

Procedural changes after enactment.

(2) Every proposal of disinvestment of a public sector enterprise shall be forwarded by the Central Government to the Committee constituted under section 4.

(3) The Central Government shall forward, along with the proposal referred to in sub-section (2), all such details including the reasons for disinvesting a public sector enterprise and all other pros and cons looked into by them, as would help the Committee to look into the proposal.

4. (1) There shall be constituted, within three months of the coming into force of this Act, a Committee to be known as the Committee on Disinvestment of Public Sector Enterprises.

Constitution of a Committee.

(2) The Chairman of the Committee shall be elected from amongst the members of the Committee.

(3) The Committee shall consist of forty-five members of Parliament, thirty from Lok Sabha and fifteen from Rajya Sabha.

(4) The members of Lok Sabha shall be nominated by the Speaker, Lok Sabha and members of Rajya Sabha by the Chairman, Rajya Sabha.

(5) The representation of members in the Committee shall, as far as possible, be in such proportion as the proportion of recognized Parties/Groups in Lok Sabha and Rajya Sabha, respectively.

(6) The term of the Committee shall be *co-terminus* with the term of Lok Sabha.

5. (1) The Committee shall, on receipt, under section 3, of a proposal for disinvestment of a public sector enterprise from the Central Government, scrutinize the proposal in such manner and with such parameters, as it may deem fit:

Power to frame guidelines/parameters rests with the Committee.

Provided that the Committee shall, for the purpose of scrutinizing the proposal, keep in view the following:—

(i) that the proposal is necessary for generation of resources;

(ii) that the proposal is not adversely affecting the interests of the workers and staff working in the public sector enterprise;

(iii) that the proposal is consistent with the policy of the Government on disinvestment;

(iv) that the proposal sets forth the goals to be achieved by the resources released through disinvestment.

(2) The Committee may frame guidelines for the purpose of scrutinizing a proposal of disinvestment of a public sector enterprise.

(3) The Central Government shall provide all such information which the Committee may require to arrive at a just decision on disinvestment of a public sector enterprise.

Period of
presentation of
the Committee
Report.

6. (1) The Committee shall make a report on the proposal for disinvestment of a public sector enterprise within six months from the date of receipt of the proposal from the Central Government.

(2) The report of the Committee shall be laid before each of the House of Parliament.

Presentation of
a counter
Report by the
Central
Government
before
proceeding with
the
disinvestment.

7. The Central Government shall, before proceeding with the disinvestment of a public sector enterprise, lay before each House of Parliament a report on the recommendations accepted or rejected, with reasons, as Contained in the report of the Committee within a stipulated period of six months.

Act to have
overriding
effect.

8. The provisions of this Act shall have effect notwithstanding anything to the contrary Contained in any other law for the time being in force.

Power to make
guidelines.

9. The Chairman of the Committee, may make such guidelines in consultation with other members of the Committees, as may be necessary for examining the proposals of disinvestment of public sector enterprises.

STATEMENT OF OBJECTS AND REASONS

While disinvestment or privatization of public sector undertakings is now a part of the economic policy of the Government and is accepted by other opposition parties, yet the manner in which public sector enterprises are being privatized by the Central Government is, of late, causing a lot of protest and resentment within and outside the Parliament. The general perception is that the resources generated through disinvestment of public sector enterprises are not being properly utilized and channeled to areas like health, education and welfare of people. There is a growing fear that large scale privatization of Government undertakings would lead to erosion of employment opportunities and render the existing workers unemployed. It is, therefore, high time that every proposal of the Government for privatization of a Government undertaking be scrutinized by a Parliamentary Committee so as to enable the Government to take into consideration the suggestions of the Committee before proceeding with the implementing any proposal of privatizing a Government undertaking.

Hence this Bill.

SHRIPRAKASH JAISWAL.

BILL NO. 27 OF 2003

A Bill to prohibit video piracy of films produced by movie makers and audio piracy of such films and albums by unscrupulous pirates thereby causing huge losses to the producers denying substantial revenue to the States by way of entertainment tax and for providing deterrent punishment for the audio and video pirates and broadcasters and exhibitors of such pirated audios and videos and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Prevention of Video Piracy of Films Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "audio piracy" means illegally copying or recording of songs of any movie or from album of a singer on audio tape or compact disc or microchip or in any other form for the purpose of sale or circulation;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "video piracy" means illegally copying or recording of any movie or film on a video tape or compact disc or microchip or in any other form for the purpose of sale or circulation.

37 of 1952
14 of 1957
7 of 1995

3.(1) Notwithstanding anything contained in the Cinematograph Act, 1952, Copyright Act, 1957, Cable Television Network (Regulation) Act, 1995 or any other law for the time being in force, the audio and video piracy of any movie produced in any part of the country is hereby banned.

Banning of audio and video piracy of any movie.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

(3) The provisions of this Act shall also apply to the pirated audio or video cassettes or compact discs of any Indian movie or music album so pirated in any foreign country and smuggled into the country.

4.(1) Notwithstanding anything contained in any other law for the time being in force, the exhibition or showing of a pirated music album or movie by any Cable Operator is hereby prohibited.

Prohibition to exhibit/circulate pirated audio/video version(s) of any movie by any Cable Operator/audio/video dealer.

(2) No audio/video dealer by whatever name called shall circulate or broadcast or sell or make available to any member of the general public any pirated cassette or compact disc of music album or movie for personal viewing or listening or broadcasting by such a member at home or elsewhere.

(3) Whoever contravenes the provisions of sub-sections (1) and (2) shall be guilty of an offence under this Act.

5.(1) The appropriate Government shall constitute such number of Special Investigation Cells/Teams with necessary staff and facilities as it may deem necessary to deal with the video and audio piracy within its territorial jurisdiction in such manner as may be prescribed.

Special Cells/Teams of local police to deal with audio and video piracy.

(2) The appropriate Government shall prepare an annual report on the achievements of the Special Investigation Cells/Teams created by it and cause the report to be laid before the Parliament or the Legislature of the State, as the case may be.

6. Whoever,

Penalty.

(a) contravenes the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than four years but may extend to seven years and also with fine which shall not be less than five lakh rupees but may extend to ten lakh rupees;

(b) contravenes the provisions of section 4 shall be punishable with imprisonment for a term which shall not be less than two years but may extend to five years and also with a fine which shall not be less than two lakh rupees but may extend to five lakh rupees.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our country produces the largest number of films in the world every year. This sector provides employment and means of livelihood to millions of people directly and indirectly. Film Industry earns considerable foreign exchange and generates adequate employment potential. But today, film industry is under threat of video and audio piracy. Sometimes, it takes years to produce a good quality entertaining film on which the producer spends money generally borrowed or financed by film financiers and the entire film unit works hard to complete the film. However, as soon as the film is released, it is pirated simultaneously and shown in cable television network by the cable operators. After viewing the film on television the general public do not turn up to watch the film in cinema halls. The resultant decline in viewership in cinema halls cause huge losses to the producer, distributor, etc. The State Governments are also denied revenue as they lose on entertainment tax.

On an average, every State Government is loosing 30 to 40 crore of rupees every year owing to the piracy of films. The police which is supposed to check such piracy does not give any priority to curb it resulting in unabated piracy. Hence, this Bill has proposed setting up of special Investigation Cells/Teams to deal with video piracy. If the film industry is to be saved, it is necessary to check the piracy with a heavy hand by providing deterrent punishment to the pirates.

Hence this Bill.

RAMESH CHENNITHALA.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for setting up of Special Investigation Cells/Teams to deal with audio and video piracy. This would involve expenditure from the Consolidated Fund of India in respect of cells/teams set up in Union territories and also State Governments. The expenditure may be to the tune of rupees fifty crore per annum as recurring expenditure and a sum of rupees twenty five crore as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL No. 28 OF 2003

A Bill to provide for setting up of a fund for the welfare of repatriates who have worked in foreign countries and have returned to India after having been terminated from employment.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Repatriates Welfare Fund Act, 2003.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires—

Definitions.

(i) "Authority" means the Authority set up under section 4 to oversee the administration of the fund;

(ii) "fund" means the Repatriates Welfare Fund set up under section 3;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) "Repatriate" means any person who has gone to a foreign country for the sake of employment and has returned to India due to any of the following reasons:—

- (1) his employment having been terminated by his employer without assigning any reason therefor;
- (2) his employer having closed the establishment due to any reason;
- (3) threat of war in the country or neighbouring countries;
- (4) not getting suitable employment having been cheated by an agent, a broker or any other person.

Setting up of
Repatriates
Welfare Fund.

3. The Central Government shall set up a fund to be known as the 'Repatriates Welfare Fund' with initial corpus of rupees one thousand crore.

Constitution
of an
Authority to
oversee the
administration
of fund.

4. (1) The Central Government shall constitute an Authority to oversee the administration of the Repatriates Welfare Fund.

- (2) The Authority shall consist of a Chairman and two other members.
- (3) The terms of appointment, conditions of service of the Chairman and other members shall be as may be prescribed.
- (4) The headquarter of the Authority shall be at Cochin.
- (5) The Authority may set up its regional office in any such place as the Central Government may deem fit.

(6) Any office set up under sub-section (5) shall be headed by a Regional Manager.

(7) The Central Government shall make available such number of officers and staff as may be necessary for the efficient functioning of the Authority and the regional offices.

Provision of
relief to
repatriates.

5. Any repatriate on his return to India may contact the Authority or a regional office and upon production of relevant documents, which may be prescribed, shall be given a grant of not more than rupees one lakh which shall be non-refundable.

Sanctioning of
loan for self-
employment.

6. (1) Any repatriate who wishes to set up or start any self employment/business may apply to the Authority or its regional office.

(2) The Authority may after satisfying itself of the correctness of the particulars given in the application and after making such enquiry as it may deem fit, approach a Nationalised bank for getting a loan and the nationalised bank on the recommendation of the Authority shall sanction the loan amount on such terms and conditions as may be prescribed for starting self employment/business.

Assistance to
provide
employment.

7. Any repatriate who wishes to seek any employment may approach the Authority or a regional office, who shall render necessary assistance in securing employment.

Non-
application
of provisions
of the Act in
certain cases.

8. The provisions of the Act shall not apply to—

- (i) any person who has returned to India on his own volition;
- (ii) any person who has been sacked from his employment due to commission of any crime or irregularity in the course of his employment;
- (iii) any person who has undergone punishment after having been proved of the charge by a court of law;
- (iv) any person who returns to India after serving for more than five years in that country or any other country; and
- (v) any person who returns to India after securing a better employment in India.

Overriding eff-
ect of the Act.

9. The provisions of this Act shall apply notwithstanding anything contrary contained in any other law for the time being in force.

Power to
make rules.

10. The Central Government may, by notification, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our fellow citizens working in foreign countries contribute a great deal to our foreign exchange reserve. They also participate in the nation building activities. Though their physical presence is in a foreign land, their mind, culture, tradition and spirit is always associated with us. But an unfortunate fact is that they are harassed, humiliated and discriminated against in several countries. Their employment is terminated without being assigned any reason. Another distressing fact is that aspirants of foreign employment are vulnerable to the cheats in the guise of agents securing employment abroad. When our non-resident workers do their best to our country's economy, we should also protect their interests. Hence, this proposal to set up a fund for the welfare of repatriates.

RAMESH CHENNITHALA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Repatriates Welfare fund. Clause 4 provides for constitution of an Authority to oversee the administration of the fund. Clauses 5 and 6 make provision for relief, etc. for starting self-employment to repatriates. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees two thousand crore per annum.

A non-recurring expenditure of about rupees one thousand and five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 30 OF 2003

A Bill to declare the Rajiv Gandhi Centre for Biotechnology in the State of Kerala to be an institution of national importance and to provide for its incorporation and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title
and commen-
cement.

1. (1) This Act may be called the Rajiv Gandhi Centre for Biotechnology Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration.

2. Whereas the objects of the Rajiv Gandhi Centre for Biotechnology in the State of Kerala, are such as to make the institution one of national importance, it is hereby declared that the institution, known as the Rajiv Gandhi Centre for Biotechnology is an institution of national importance.

3. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "Director" means the Director of the Institute.
- (b) "Fund" means the Fund of the Institute referred to in section 11;
- (c) "Institute" means the institution known as the Rajiv Gandhi Centre for Biotechnology incorporated under this Act;
- (d) "member" means a member of the Institute;
- (e) "President" means the President of the Institute;
- (f) "regulation" means a regulation made by the Institute;
- (g) "rule" means a rule made by the Central Government;

4. The Rajiv Gandhi Centre for Biotechnology is hereby constituted as a body corporate by the name of Rajiv Gandhi Centre for Biotechnology and as such body corporate, the Institute shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

Incorporation of the Institute.

5. The Institute shall consist of the following members, namely,—

Composition of the Institute.

- (a) the Vice-Chancellor of the Kerala University;
- (b) the Director-General of Health Services, Government of India;
- (c) the Director of the Institute to be appointed by the Central Government;
- (d) four members to be nominated by the Central Government to represent respectively the Department or, as the case may be, Ministries of that Government dealing with Science and Technology, Health, Finance and Education.
- (e) three members to be nominated by the Government of the State of Kerala to represent respectively, the Departments or, as the case may be, Ministries of that Government dealing with Planning, Science and Technology and Health.

6. The Central Government shall appoint one of the members of the Institute as the President of the Institute.

President of the Institute.

7. The objects of the Institute shall be,—

Objects of the Institute.

- (a) to promote biomedical engineering and technology;
- (b) to conduct research in infectious diseases and cancer;
- (c) to set up laboratories.

8. With the view to the promotion of the objects specified in section 7, the Institute may,—

Activities and Functions of the Institute.

- (a) provide for post-graduate teaching in various relevant streams of science;
- (b) provide facilities for research in various branches of such sciences;
- (c) conduct experiments in integrated methods of post-graduate medical and technological education in order to arrive at satisfactory standards of such education;
- (d) prescribe courses and curricula for post-graduate studies;
- (e) notwithstanding anything contained in any other law for the time being in force, establish and maintain one or more well equipped institutes/centres for research and development in biology, environmental studies, plant molecular biology of genetic diseases, molecular endocrinology and chemistry;
- (f) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in post-graduate medical education as may be laid down in the regulations;

(g) appoint persons as professors, readers, lecturers and posts of any description in accordance with the regulations;

(h) receive grants from the Governments, gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(i) deal with any property belonging to, or vested in the Institute in any manner which is considered necessary for promoting the objects specified in section 7;

(j) demand and receive such fees and other charges as may be prescribed by regulation; and

(k) do all other acts and things as may be necessary to achieve the objects specified in section 7.

Properties to be vested in the Institute.

9. All properties which had vested in the Rajiv Gandhi Centre for Biotechnology immediately before the commencement of this Act, shall, on and from such commencement, vest in the Institute.

Central Government to allocate moneys to the Institute.

10. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary by the Government for the exercise of its powers and discharge of its functions under this Act.

Maintenance of Fund of the Institute.

11. (1) The Institute shall maintain a Fund to which shall be credited—

(a) all moneys provided by the Central Government and the Government of the State of Kerala;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute, including expenses incurred in the exercise of its powers and discharge of its functions under section 8.

Budget of the Institute.

12. The Institute shall prepare, in such form and at such time every year, as may be prescribed by rules, budget in respect of the next ensuing financial year, showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government in the manner as may be prescribed by rules.

Accounts and audit.

13. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may, by rules, prescribe and in accordance with such general directions as may be issued by the Government in consultation with the Comptroller and Auditor General in India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other

documents and papers and to inspect the offices of the Institute as well as of the institutions established and maintained by it.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report, thereon shall be forwarded annually to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

14. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form on or before such date as may be prescribed by rules and a copy of the report shall be laid, as soon as may be after it is received, before both Houses of Parliament.

Annual Re-
port.

15. All orders and decisions of the Institute shall be authenticated by the signature of the President or any other member authorised by the Institute in this behalf, and all other instruments shall be authenticated by the signature of the Director or any any other officer of the Institute authorised in like manner in this behalf.

Authentica-
tion of orders
and instru-
ments of the
Institute.

16. No act done or proceedings taken by the Institute shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Institute.

Acts and pro-
ceedings not to
be invalidated
by vacancies,
etc.

17. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have power to grant medical degrees, diplomas and other academic distinctions and titles under this Act.

Grant of medi-
cal degree, di-
plomas, etc.
by the Insti-
tute.

2 of 1956

18. Notwithstanding anything contained in the Indian Medical Council Act, 1956, the medical degrees and diplomas granted by the Institute under this Act shall be recognised medical qualifications for the purposes of that Act and shall be deemed to be included in the First Schedule to that Act.

Recognition of
medical quali-
fications
granted by the
Institute.

19. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Control by
Central Gov-
ernment.

20. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final.

Disputes be-
tween the In-
stitute and
Central Gov-
ernment.

21. The Institute shall furnish to the Central Government such reports, returns and other information as the Government may require from time to time.

Returns and in-
formation.

22. Subject to the provisions of this Act, every person who was employed in the Rajiv Gandhi Centre for Bio-technology, Kerala immediately before the commencement of this Act shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to leave, pension, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:—

Transfer of
service of ex-
isting employ-
ees.

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

Appointment
of officers and
other employ-
ees.

23. (1) The President shall appoint such other officers and employees as may be necessary for the efficient functioning of the Institute.

(2) The officers and other employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, gratuity, provident fund and other matters as may be prescribed by regulations made in this behalf.

Pension and
Provident
fund.

24. (1) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed by regulations, such pension and provident fund as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Central Government may, declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund.

19 of 1925

Continuance
of facilities at
the Institute.

25. The Institute shall continue to provide facilities to the Government and people of the State of Kerala and the Central Government and such facilities shall not, in any respect, be less favourable to the said Governments and people than what were being provided to them before the commencement of this Act and shall be made available for such period and upon such terms and conditions (including those relating to any contributions to be made for the provision of such facilities) as may be agreed upon between the Institute, the Government of the State of Kerala and the Central Government.

Power to re-
move difficul-
ties.

26. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, within a period of three years from the commencement of this Act, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty.

Power to
make rules..

27. (1) The Central Government, after consultation with the Institute, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that consultation with the Institute shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestions which the Institute may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of nomination of members under clauses (d) and (e) of section 5;

(b) the manner of filling vacancies among members;

(c) the manner of filling up the post of President;

(d) the allowances, if any, to be paid to the President and other members;

(e) the appointment of Director;

(f) the number of officers and employees that may be appointed by the Institute and the manner of such appointment;

(g) the form in which and the time at which, the budget shall be prepared by the Institute and the number of copies thereof to be forwarded to the Central Government under section 12;

(h) the form in which an annual statement of accounts including the balance-sheet shall be prepared by the Institute under sub-section (1) of section 13.

(i) the form in which and the date before which, the report of the activities of the Institute shall be submitted to the Central Government under section 14.

(j) the form and manner in which reports, returns and other information are to be furnished by the Institute to the Central Government under section 21;

(k) any other matter which has to be or may be prescribed by rules.

(l) the manner of appointment, salaries and allowances and terms and conditions of services of officers and other employees under section 23.

28. (1) The Institute may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

Power to make regulations.

(a) the powers and functions to be exercised and discharged by the President;

(b) the summoning and holding of meetings, other than the first meeting, of the Institute, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum;

(c) the powers and functions to be exercised and discharged by the Director;

(d) the tenure of office, salaries and allowances and other conditions of service of the Director of the Institute;

(e) the management of the properties of the Institute under section 8;

(f) the degree, diplomas and other academic distinctions and titles which may be granted by the Institute under clause (f) of section 8;

(g) the professorships, readerships, lectureships and other posts which may be instituted and persons who may be appointed to such professorship, readerships, lectureships, and other posts under clause (g) of section 8;

(h) the fees and other charges which may be demanded and received by the Institute under clause (j) of section (8);

(i) the manner in which and the conditions subject to which pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute under sub-section (1) of section 24;

(j) matters relating to tenure of office, remuneration and terms and conditions of service of the persons referred to in section 22;

(k) any other matter for which under this Act provisions may be made by regulations.

(2) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Central Government and any regulations so made may be altered or rescinded by the Institute in exercise of its power under sub-section (1).

29. Every rule and every regulation made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and Regulations to be laid before Parliament.

STATEMENT OF OBJECTS AND REASONS

The Government of Kerala, in 1994, took an initiative in establishing an R & D Centre of Excellence in Biotechnology by bringing the erstwhile Rajiv Gandhi Centre for Development of Education, Science and Technology (RGC-DEST) under the Science, Technology and Environment Department (STEC) as the Rajiv Gandhi Centre for Biotechnology (RGCB). RGCB is an institution devoted to advanced research and human resource development in biotechnology and molecular biology. A project report for the purpose with a total outlay of Rs. 26.00 crores was approved by the State Planning Board and subsequently by the Central Planning Commission in December, 1994.

Within a short span of its existence, RGCB has made commendable progress as a viable research Centre consisting of scientists with proven track record. The Government of Kerala has allocated 3 acres of land within Trivandrum and approved an allocation of Rs. 19.00 crores for the construction of the building for the Centre which has since its inception been operating from rented premises. The foundation stone for the Centre was laid by the Hon'ble Prime Minister of India in 1995. The main building has become functional from the beginning of January 2002 and was dedicated to the Nation by His Excellency the President of India Dr. A.P.J. Abdul Kalam on 18 November, 2002.

Modern research laboratories for infectious Diseases (Hepatitis B & C, T.B., Cholera, etc.), Cancer Biology Environmental Biotechnology, Plant Molecular Biology, Molecular Biology of Genetic diseases, Neurobiology, Molecular Endocrinology and Peptide Chemistry have already been established. The full development of infrastructural facilities essential for the establishment of various state-of-the-art laboratories for biotechnological and molecular biological research is expected to be completed by December, 2003.

Development of disease resistant crops (e.g. rice, black pepper), studies on the environmental degradation of Kuttanad and river Pamba eco-systems and the development of appropriate bio-remediation measures, industrial microscopy approaches and the development of DNA fingerprint data bank for medicinal plants, existing varieties of spices and other cash crops form the thrust areas of research at RGCB. The Centre proposes to embark upon studies on location specific problems in addition to the development of new technologies relevant to the nation as a whole. Development of methods for invitro development of antibodies, designing a method for cancer therapy and identification of phytoestrogens that could be put to use in the treatment of estrogen-related malfunctions in the human system come under this category.

It is envisaged that further development of the Centre as a leading institution in South Asia and the Asia Pacific region will enable it to cater to the regional needs and to provide solutions to utilize research fundings for applications in industry, agriculture, medicine and environment upgradation.

The Department of Biotechnology, Government of India, has been the major donor of research funding to RGCB since 1996 (Rs. 17.00 crores). In this context, it may be pointed out that in January 2001 in the meetings of the Scientific Programme Advisory & Monitoring Committee and Programme Management Committee chaired by Dr. Sandip K. Basu (Director, National Institute of Immunology, New Delhi), it was strongly recommended that "...the Centre should be taken over as an institution under the Department of Biotechnology as early as possible". Such a development would facilitate assured financial stability for the smooth functioning and further research developments of the RGCB.

It may be added that RGCB is the only institution of its kind in this part of the nation, devoted to biotechnological and molecular biological advanced research. The maintenance and additional progress of its present activities would require long term planning and

sustained financial support. Similarly, in order to keep pace with scientific breakthrough taking place elsewhere in the world, it would be necessary to establish and develop newer research areas and sustained financial support will be a prerequisite for such initiatives to materialize.

Research and development in biotechnology will have far reaching influence on the quality of the life of the human population. It will be in the best interest of the nation if the Rajiv Gandhi Centre for Biotechnology is taken over as a research institution under the Department of Biotechnology, Government of India and developed further as a National Centre.

RAMESH CHENNITHALA.

FINANCIAL MEMORANDUM

The Bill, if enacted, would involve expenditure from the Consolidated Fund of India in respect of taking over of the Institute by the Central Government. It is estimated that an annual recurring expenditure of about rupees fifty crore may be involved.

It is also likely to involve a non-recurring expenditure of about rupees one hundred crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 27 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 30 OF 2003

ARRANGEMENT OF CLAUSES

CLAUSES

1. Short title and commencement.
2. Declaration of the Rajiv Gandhi Centre for Biotechnology as an institution of national importance.
3. Definitions.
4. Incorporation of the Institute.
5. Composition of the Institute.
6. President of the Institute.
7. Objects of the Institute.
8. Activities and Functions of the Institute.
9. Properties to vest in the Institute.
10. Central Government to allocate moneys to the Institute.
11. Maintenance of Fund of the Institute.
12. Budget of the Institute.
13. Accounts and audit.
14. Annual Report.
15. Authentication of orders and instruments of the Institute.
16. Acts and proceedings not to be invalidated by vacancies, etc.
17. Grant of medical degree, diplomas, etc. by the Institute.
18. Recognition of medical qualifications granted by the Institute.
19. Control by Central Government.
20. Disputes between the Institute and Central Government.
21. Returns and information.
22. Transfer of service of existing employees.
23. Appointment of officers and other employees and terms and conditions of service of employees of the Institute.
24. Pension and provident fund.
25. Continuance of facilities at the Institute.
26. Power to remove difficulties.
27. Power to make rules.
28. Power to make regulations.
29. Rules and regulations to be laid before Parliament.

BILL NO. 20 OF 2003

A Bill to provide for the establishment of a High Court for the State of Tripura.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. This Act may be called the High Court of Tripura Act, 2003.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointed date” means the date which, the Central Government may, by notification in the official Gazette, appoint;

(b) “Guwahati High Court” means and includes the existing common High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura.

3. (1) There shall be established a separate High Court for the State of Tripura to be known as the High Court of Tripura consisting of a Chief Justice and until President appoints a larger number, of not less than three other judges.

Establishment
of the High
Court of
Tripura.

(2) The principal seat of the High Court of Tripura shall be at Agartala.

(3) Notwithstanding anything contained in sub-section (2), the judges and the division courts of the High Court of Tripura may sit at such other place or places in the State of Tripura other than its principal seat as the Chief Justice may, with the approval of the Governor of Tripura, appoint.

Jurisdiction of the High Court of Tripura.	4. On and from the appointed date, the High Court of Tripura shall have, in respect of territory of Tripura, all such jurisdiction, powers and authorities as, under the law in force immediately before the appointed date, are exercisable by the Guwahati High Court.
Abolition of Agartala Bench of the Guwahati High Court.	5. (1) On and from the appointed date, the Agartala Bench of Guwahati High Court shall cease to function and is hereby abolished. (2) Nothing in sub-section (1) shall prejudice or affect the continued operation of any notice served, injunction issued, direction given or proceeding taken before the appointed date by the Agartala Bench of Guwahati High Court abolished by that sub-section.
Special Provision relating to Advocates.	6. (1) Subject to any rule made or any direction given by the High Court of Tripura in this behalf, any person, who immediately before the appointed date, is an advocate entitled to practice in the Guwahati High Court, shall be entitled to practice as an advocate in the High Court of Tripura. (2) The right of audience in the High Court of Tripura shall be regulated in accordance with the like principles as immediately before the appointed date, are in force with respect to the right of audience in the Guwahati High Court.
Practice and Procedure in the High Court of Tripura.	7. Subject to the provisions of this Act, the law in force immediately before the appointed date with respect to practice and procedure in the Guwahati High Court shall, with necessary modifications, apply in relation to the High Court of Tripura.
Form of writs and other processes.	8. The law in force immediately before the appointed date with respect to the form of writs and other processes used, issued or awarded by the Guwahati High Court shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Tripura till such law is made and forms are prescribed.
Powers of Judges.	9. The law in force immediately before the appointed date with respect to the powers of the Chief Justice, single Judge and Division Courts of the Guwahati High Court with respect to all matters ancillary to the exercise of those powers shall, with necessary modifications, apply in relation to the High Court of Tripura.
Procedure as to appeals to the Supreme Court.	10. The law in force immediately before the appointed date relating to appeals to the Supreme Court from the Guwahati High Court and the Judges and division courts thereof shall, with necessary modifications, apply in relation to the High Court of Tripura.
Transfer of proceedings from the Guwahati High Court to the High Court of Tripura.	11. (1) Notwithstanding anything contained in any other law for the time being in force, all proceedings instituted from the State of Tripura and pending in the Guwahati High Court either in the Principal seat or in permanent Bench at Agartala immediately before the appointed date shall, from such date, stand transferred to the High Court of Tripura. (2) Every proceeding transferred under sub-section (1) shall be disposed of by the High Court of Tripura as if such proceeding was entertained by that High Court. (3) Any order made before the appointed date by the Guwahati High Court shall have effect as if such order is made by the High Court of Tripura.
Interpretation.	12. For the purpose of section 11— (a) Proceedings shall be deemed to be pending in the court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the cost of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and (b) References to High Court shall be construed as including references to a Judge or division court thereof; and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgement or decree passed or made by that Court or Judge.

13. Nothing in this Act shall affect the application to the High Court of Tripura of any provision of the Constitution, and this Act shall have the effect subject to any provision that may be made on or after the appointed date with respect to that High Court by the Tripura Legislative Assembly or any other authority having power to make such provision.

Savings.

14. In sections 28, 29, 31, 33, or Part-IV of the North-Eastern Areas (Reorganisation) Act, 1971 the words "and Tripura" wherever they occur shall be deleted.

Amendment
of North-
Eastern Areas
(Reorganisation)
Act, 1971.

STATEMENT OF OBJECTS AND REASONS

At present, there is a permanent Bench of the Guwahati High Court at Agartala with the strength of three judges, but very often only one judge remains at Agartala and judges from the principal seat and other outlying Benches of the Guwahati High Court are deputed time to time for holding Division Bench on Circuit.

Though a permanent Bench of the Guwahati High Court has been established in Tripura, the people do not receive the services of a permanent Bench throughout the year. That apart, the means of travel and communication linking Tripura with the principal seat of High Court at Guwahati is inadequate to facilitate swift movement and communication. The people of this State face much hardship in instituting, prosecuting and defending their cases in case of urgency as the principal seat of the High Court is located at Guwahati. The cost of travel to the principal seat is not within the means of the common man. The people of the State suffer from economic and other disability and as such they do not have equal opportunity of securing justice from the apex judicial institution of the State.

Government of India in principal and on justification accepted that establishment of a separate High Court for Tripura is a legal necessity for honouring the aspirations of the people of this frontier State and such commitment deserves to be implemented in proper spirit and perspective.

The Bill seeks to achieve the aforesaid objects.

KHAGEN DAS.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(1)
AND (3) OF THE CONSTITUTION

[Copy of letter No. K-15017/3/2001-US-I, dated 7 March, 2003 from Shri Arun Jaitley, Minister of Law and Justice and Commerce and Industry to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the High Court of Tripura Bill, 2003 by Shri Khagen Das, Member of Parliament, recommends the introduction under article 117 (1) and consideration of the Bill under article 117 (3) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

The Bill provides for the establishment of a High Court for the State of Tripura. The Bill, if enacted, is likely to involve a recurring expenditure of about rupees three lakh from the Consolidated Fund of India in respect of payment of pension to retired judges of the High Court.

No non-recurring expenditure is likely to be involved.

G. C. MALHOTRA,
Secretary-General.